

[The President]

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Government must answer within time or apply for extension. Since then they have been applying for extension, and when the Government say that they are unable to get the information by a particular date and that therefore they want extension, how is it possible for me to tell them 'no; you should be able to answer'? That would be invading the privileges of the administration."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"If that is so, I should submit that the question may be placed in the agenda and if the hon. Member wishes to apply for any extension of time, he may be in a position to tell us the reasons for the delay in answering a particular question, say, referring to September last. Has the machinery of Government become so slow that it is not able to get anything out of its own officers for the information of this House?"

The hon. the PRESIDENT :—"Perhaps the hon. Leader of the House may enlighten the House on the point."

The hon. Sir CHARLES TODHUNTER :—"I am afraid, Sir, I cannot enlighten the House about questions which do not arise in my department; but the obvious remedy will be to appoint more secretaries to deal with the enormous mass of questions which is now blocking the machinery of Government."

The hon. the PRESIDENT :—"I do not think I can say anything more about it now. But I may suggest that if the House considers that the machinery is not satisfactory and that the answers are not coming in time, it is perfectly open to the House to appoint a committee to go into the whole question and to report on the matter. Unless a particular question is taken up and the reasons for the delay in answering it are obtained and considered, the committee will not be able to say, nor will the House be able to know, whether the delay is reasonable or not. As I have already said, it is impossible for me now to express any opinion offhand in regard to this and the Leader of the House has told us already that he cannot give any opinion."

Diwan Bahadur M. RAMACHANDRA RAO PANTULU :—"I am quite aware  
11-15 a.m. that I myself cannot suggest any remedy all at once. My object is to enable my hon. friend, who represents not only his own department but the Government as a whole, to know that it is not courteous to this House to have questions, notices of which were given so long ago as the 12th September and the 6th October, unanswered for such a long time. Therefore, there must be some—may I say without any offence?—sense of responsibility to this House in expediting answers."

## VI

## MOTION TO APPOINT A COMMITTEE TO REPORT THE FUNCTIONS OF THE DEPUTY PRESIDENT.

The hon. Sir K. SRINIVASA AYYANGAR :—"Sir, I move—

*That this Council resolves to appoint a committee consisting of the following members of the Council to examine and report on the question of the functions of the Deputy President and the limitations, if any, which should, or can, be imposed on the power of the Deputy President to move resolutions or*

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*introduce other business, or to participate in the debates, and to suggest such Standing Orders as it may consider necessary to give effect to its recommendation :—*

The hon. the President,  
The Deputy President,  
The Advocate-General,  
Diwan Bahadur R. Venkataratnam Nayudu,  
Rao Bahadur O. Tanikachala Chettiayar,  
Mr. C. Ramalinga Reddi,  
Diwan Bahadur M. Ramachandra Rao Pantulu,  
Khan Bahadur Muhammad Usman Sahib,  
Mr. M. Ratnaswami,  
The Rev. W. Meston, and  
the mover (Sir K. Srinivasa Ayyangar).

To this list I want to add the hon. the Raja of Panagal, the first Minister.

"The motion speaks for itself. My object in introducing this motion is to regularize and standardize our procedure with regard to the powers and duties of the Deputy President. A question has been raised, for instance, whether the Deputy President can exercise the functions of the President beyond presiding in the Council. That is, whether he can by delegation from the President or through the absence of the President or for any other reason exercise powers which are vested now in the President in matters outside the Council, as for instance the allowance or disallowance of questions. This duty now falls on the President. There have been Standing Orders passed, if I remember right, in the Legislative Assembly with regard to this subject. I had a copy given to me by the courtesy of the Secretary, and, I believe, there is a provision made in the Legislative Assembly that the President can delegate his functions to the Deputy President in matters outside the Council. A doubt has been expressed whether such delegation is consistent with or is possible under the Government of India Act. That will be one of the questions which I expect this committee to examine.

"Again, as a matter of convention what should be the position of the Deputy President? This point has also been raised. If I remember right in one of the Councils it was announced that the Deputy President should not take part in controversial debates or something of that sort—I forget the exact language. That was announced, I believe, by the President in the Council before the election of the Deputy President of the Council. I have sometimes found our Deputy President occupying the chair when a resolution or a motion standing in his name was about to be reached, and some one of us had to come to his rescue and ask for the adjournment of the motion to a time when he would be occupying this chair instead of that. These are questions which had better be standardized or regularized by Conventions or Standing Orders. It is for this purpose that I submit this motion. I may without any breach of confidence mention to the House that the suggestion that this motion should be made came from the hon. the President himself."

The hon. the PRESIDENT :—"I believe there is no question of confidence. That was publicly done in a meeting of the Council."



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The hon. Sir K. SRINIVASA AYYANGAR :—"I thought I had the monopoly of the information. I am thankful, to you, Sir, for the correction. I am not shifting the burden of this motion on to the President. It is only fair that I should mention that these things ought to be discussed."

The hon. Khan Bahadur Sir MUHAMMAD HABIB-UL-LAH SAHIB Bahadur :—"I second it."

Diwan Bahadur P. KESAVA PILLAI :—"It may be permissible, Sir, for me to make a statement of facts for the information of the House. I am sure all Members will be interested to know how things are conducted in other Legislative Councils. I attended the Presidents' Conference at Delhi and this subject was brought before the Conference. I am not to let you know of the details of the discussion and the remarks made by the respective Presidents and the Deputy Presidents on these questions in the Conference. I am sure the erudite Secretary will enlighten us from the confidential reports that he gets on the subject. I gather that this subject has disturbed the official mind a good deal in this Presidency. In no other place has this question arisen. No other Government has questioned the right of an elected Deputy President, who is an elected member responsible to his constituency. If I may tell you, Sir, I think my friend, Mr. Swamikannu Pillai will bear me out when I say that I asked no less a personage than the Rt. Hon'ble J. H. Whitley, the Speaker of the House of Commons, as to what the position of the Deputy Speaker in the House of Commons was. I asked him if he had a right to address the House. The Speaker was kind enough to reply that the Deputy Speaker could, of course, take part in a debate. Sir Narain Chandaravarkar, President of the Bombay Council, told us, that he saw Sir Donald McLean, once Deputy Speaker, fiercely debating on a question in the Commons on the side of the Liberals, and observed an attitude of strict impartiality when he had to occupy the chair. An elected Deputy President who is an elected member responsible to a constituency cannot be expected to keep quiet. He cannot be expected not to give the benefit of his experience and knowledge of local conditions when subjects of burning importance come before the Council. Of course in the official mind there is a doubt. I may add that the Deputy President in the Bombay Council has introduced a Bill proposing to tax turf profits and it has raised quite a storm in the European circles and the question is being discussed in all its aspects by the Government of India."

The hon. Sir K. SRINIVASA AYYANGAR :—"May I rise to a point of order, Sir? The learned Deputy President is not addressing the chair." (Laughter.)

Diwan Bahadur P. KESAVA PILLAI :—"I apologise to you, Sir. I did so because the hon. the President is quite aware that the Deputy President has got every right to speak and has got every right to take part in the debates and also to exercise other powers (laughter). The only gentlemen that seem to have doubts are those sitting on this bench (pointing to the ministerial bench) and so I was not addressing the Chair. Mr. President, Sir, you will kindly excuse me if it was an act of discourtesy."

Mr. C. RAMALINGA REDDI :—"May I know, Sir, whether the Deputy President is opposing or supporting the motion?"

Diwan Bahadur P. KESAVA PILLAI :—"I am not at all opposing the motion."

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“Only, I wish to place a few facts before the hon. Members so that they may understand the peculiar doubts which have arisen in the minds of Members of this Government only. As I told you, Sir, the Deputy President of the Bombay Presidency takes part not only in the debates but also in the introduction of Bills. A question was raised in the Central Provinces where the Deputy President quarrelled with the President over a certain procedure, and he resigned. The Deputy President in the Punjab was taking part in the debates. It is there that the President said that he was taking part, rather too much, in controversial matters. But that was the opinion of that President. In the United Provinces, in Bihar and in Bengal they are going on without any question from the Treasury Benches.

“As regards powers, the hon. the Law Member asked us whether the Deputy President could exercise the powers of the President when they were delegated by the President or otherwise. I may tell him that the Deputy President in Bengal had been doing all the work of the President in and outside the Council without any question whatsoever. The Deputy President in the United Provinces was in the Chair during all the period that the University Bill was discussed. The President of the United Provinces Legislative Council has written a very erudite minute—as erudite as my friend Mr. Swamikannu Pillai’s note—to demonstrate that the Deputy President has all the powers of the President so as to carry on public business. Such a doubt as has arisen in this Council has arisen nowhere else. I wonder why the members of the Madras Government should be so much exercised about the Deputy President speaking in the Council. After all, Sir, we have a partially responsible Government, that is, responsible to the Legislative Council; and why should the Government be so anxious as to curtail the powers or the liberties of an elected Deputy President serving his constituency and at the same time serving the Legislative Council also, and thereby allow the public work to suffer? When the report of the Presidents’ Conference is placed in the hands of the Committee they will know that the Government have been obstructing the work of the Legislative Council by making a narrow interpretation of the Act and the functions of the Deputy President.”

Rao Bahadur A. S. KRISHNA RAO PANTULU:—“Sir, I wish to make a few remarks upon this motion; for I feel that the wording of it is so wide and comprehensive as to suggest, if possible, limitations on the powers of the Deputy President beyond all reasonable expectations. The hon. the Law Member in making the motion drew our attention to the necessity for incorporating provisions in Standing Orders about the functions of the Deputy President and about his powers in the matter of allowance or disallowance of resolutions and questions. He did not dwell at any length upon the latter portion of the motion, which suggests that the Committee is to be appointed not merely to report

on the question of the functions of the Deputy President

but also

on the limitations, if any, which should, or can, be imposed on the power of the Deputy President to move resolutions or introduce other business or to participate in the debates.

“I should think, especially after hearing the hon. the Deputy President, that it is unnecessary for any Committee that a specific reference should be



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made to deal with the question of limitations on the powers of a non-official Deputy President in the matter of taking part in the debates of this House. I quite realise that it may be necessary to further investigate as regards the extent to which the powers of the President should be exercised by the Deputy President. If the motion were confined to the question of the functions of the Deputy President, regarding which there is nothing in the Standing Orders, I should not have thought it necessary to oppose it. But, it goes much further and suggests that some means ought to be found or that a report is to be made as to the limitations on the powers of the Deputy President to move resolutions or introduce other business regarding which, I think, there should be no limitations whatever. If we had known of the motion yesterday or if it was to be moved on any other day in the course of this week, I would have sent in amendments to it; and I suggest to the hon. the Law Member if it may not be worth while to adjourn this discussion to some other day just to see if the reference to the Committee should not be more circumscribed, especially taking into consideration the fact that notice of the motion was given to us only yesterday and there was no time for bringing in proper amendments before the House. But if the reference to the Committee is to cover such a wide ground as indicated in the motion, I think I have to oppose it."

Mr. P. SIVA RAO PANTULU :—" Mr. President, Sir, I wish to suggest a few matters to be investigated. The question arose just on the eve of the election of Mr. Kesava Pillai as the Deputy President, whether he would lose his seat in the Council, and whether he would be accepting service under the Crown or not. Now, Sir, as we are going to have a Committee, this matter may also be usefully investigated. Another question that arose was whether he was to be reckoned as an official or a non-official for the purposes of elections under the Local Boards and Municipal Acts. That matter, Sir, was referred to the Advocate-General and he seems to have given the opinion that he was a non-official and that he might stand for election. I very much wish that all these matters may once for all be thrashed out satisfactorily so that there may be no further doubts with regard to them."

Diwan Bahadur P. KESAVA PILLAI :—" One word of explanation, Sir. Mr. Siva Rao may feel rather comforted if I tell him that I myself have applied to the Government for their opinion in the matter and I have been declared by them, on the advice of the Advocate-General, to be a non-official for the purpose of contesting the seat of the president of a district board."

The hon. Sir CHARLES TODD HUNTER :—" Is the hon. Member in order, Sir, in making a second speech " ?

Diwan Bahadur P. KESAVA PILLAI :—" It is only an explanation, Sir, that I am making. Also the Government, quite reasonably, asked me not to use service stamps because I was a non-official."

The hon. Sir K. SRINIVASA AYYANGAR :—" May I say a few words, Sir ? I thought that this was more or less a formal motion. My friend, Mr. Krishna Rao, pleads for adjournment in order that the work of the Committee may be circumscribed or narrowed down, and he says that because of the statement of facts made by the hon. the Deputy President, who referred to the talk he had with the Deputy Speaker in England. I have never crossed the seas and have not even a nodding acquaintance with the

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Houses of Parliament; but so far as I know—I gather this from very good authority—the Deputy Speaker there never takes part in any debate, not because there is any specific rule fettering his discretion but because he has got so much work there that he has no time whatsoever to do anything in that direction. Here our Deputy President is not overwhelmed with work. The question has therefore naturally arisen here in India whether he can take part in controversial matters, seeing that he has got to preside over debates in the Council. It is the convention in England that the Deputy Speaker should not take part in any controversial debates in the House.”

Diwan Bahadur P. KESAVA PILLAI :—“ What is the authority for that ? ”

The hon. Sir K. SRINIVASA AYYANGAR :—“ If he comes outside I shall show it to him.”

The DEPUTY PRESIDENT :—“ Sir, the House is entitled to know the authority when he makes a statement.”

The hon. Sir K. SRINIVASA AYYANGAR :—“ It is so stated on the authority, I believe, of the present President of the Legislative Assembly.

“ Now, Sir, with regard to the procedure in other provinces, I have here definite information with regard to one province. This is the statement made by the hon. the President of the Bihar and Orissa Legislative Council on the 8th August 1922 on the occasion of the election of the Deputy President. He says :

Before electing a Deputy President perhaps it would be desirable for the hon. Members to understand the duties to be assigned to that officer and the rules regulating his conduct in regard to the House. Hitherto the question did not arise inasmuch as Mr. Hasan Imam on account of his having an extensive practice was unable to give much of his time to the Deputy President's work. At the Simla Conference of Presidents it was recommended that each Council should appoint a Committee to consider the duties and functions of the Deputy President.

“ We are really carrying out this recommendation in this motion on the advice of our President :

In our case I considered that it would not be necessary to do so, so long as Mr. Hasan Imam occupied that office. But now that we are going to have a new Deputy President, it is desirable to say at the outset that his task may occasionally be a heavy one. To begin with, if the Standing Orders are so amended, the President may have to delegate to him all his powers in certain circumstances; the President may sometimes be laid up with sickness and the work might have to be carried on by the Deputy President. The Deputy President naturally will have to submit to very considerable restraint. I was very unwilling myself to accept nomination as a candidate and it was only after Sir Frederick Whyte assured me that it would be left to my discretion not to take part in controversial questions that I agreed to stand for election.”

11-45 a.m.

The DEPUTY PRESIDENT :—“ I submit I told you, Sir, that we are going to get the decision of the Conference of Presidents.”

The hon. Sir K. SRINIVASA AYYANGAR (*continued*) :—

Although in the old Imperial Council in which the hon. Mr. McPherson and myself represented the province as official and non-official members respectively, we had many a spirited passage at arms without, I may say, any feeling of bitterness on either side, yet last year when the Punjab question was being discussed, after my election as Deputy President, naturally after my assurance to Sir Frederick Whyte not to take any part in controversial questions, I did not open my lips.

“ It is merely for the purpose of drawing attention to the fact that there is no obligation now, but that a particular position has been adopted in one particular Legislative Council, that I am making this statement with reference to the facts as stated by the hon. the Deputy President who said that



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unfettered discretion is given in all other Legislative Councils and that he could not understand why the official bench in Madras should be worried with this question.

Therefore the understanding must be that on all such questions the Deputy President should not participate in the debate, because at any time in the course of it he may be called upon to take the President's Chair.

"The Deputy President therefore was not right when he said that free liberty was allowed. It is for the Committee to inquire and lay down the functions of the Deputy President. I think the motion gives sufficient power to the Committee to investigate all matters and arrive at a more satisfactory convention."

The hon. Sir CHARLES TODHUNTER :—"Sir, a question has been asked as to what is the authority for certain statements that were made. I did not anticipate this, but I have here the speech of the President of the Legislative Assembly on 1st September 1921 in which he has discussed all the functions of the Deputy President. And as it has been suggested that certain views that have been expressed are peculiar to the official bench of this Council, I should like to quote a few lines from the speech of the President of the Legislative Assembly."

The DEPUTY PRESIDENT :—"May I point out that this question has been discussed and conclusions have been drawn at the last conference? All the presidents have come to certain conclusions. It was stated that even the President of the Legislative Assembly was making mistakes. What is the use of quoting from speeches?"

The hon. Sir CHARLES TODHUNTER :—"The hon. the Deputy President has been busy quoting from conferences the proceedings of which have not been laid on the table and which none of us are permitted to quote from. We have some other confidential documents from which also I am not able to quote. Therefore, I quote from the speech of the President of the Legislative Assembly who is the highest authority in India on the subject."

The DEPUTY PRESIDENT :—"He has committed some mistakes of his own."

The hon. Sir CHARLES TODHUNTER :—"He says :

I am revealing no inviolable secret when I say that such was the unwritten understanding on which our first Deputy President acted. I take this opportunity, while regretting his absence from this Chamber and while congratulating him on his accession to high office, of bearing my witness to his unfailing observance of it.

I should not, however, do justice to the requests which I have received if I were to leave the matter there. It has been suggested to me, from more sources than one, that the analogy of the House of Commons—if properly followed—would compel the Assembly to forbid the Deputy President to take part in ordinary debate and thus preserve the impartiality of his official character.

In point of fact, the House of Commons has no Rule nor Standing Order which forbids the Deputy Speaker—better known as the Chairman of Committees or the Chairman of Ways and Means—to take part in debate; but the conditions of his office and the established tradition of the House effectively preclude him from doing so.

Then he goes on to say :

It is for this Assembly to evolve its own practice, and to establish its own institutions for the discharge of its duties as a legislative body. Your Deputy President carries upon his shoulders the obligation to uphold the even-handed impartiality of the Chair even when he himself is not the occupant of it. That obligation is laid upon him by the will of his colleagues when they elect him; and it should ever be his first care to observe it. It must be obvious to

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those who survey his position that he does not, and cannot, enjoy perfect freedom to take part in debate, and in accepting election to the office, he also accepts the sacrifice of many otherwise tempting Parliamentary opportunities.

"I have quoted that, Sir, because it has been suggested that, although this matter has been taken up in all the Legislative Councils, it has been stated that the only people who have raised any question on the subject are certain officials in Madras.

"I think, Sir, that hon. Members are aware that the prompter of this motion was not an official at all. I am surprised that any opposition should have been raised to what is merely a formal motion, and one which is being made in every Council in India."

The hon. the PRESIDENT :—"I would simply draw attention to the fact that at present we are only discussing the question as to whether we should have a Committee to examine these questions. And it is apparent that under those circumstances it is unfair not to give the Committee quite a free hand. I am sure that the Deputy President and the hon. the Law Member who are both members of the Committee will, notwithstanding all that they have said here, go into the Committee with perfectly open minds willing to hear and ready to be convinced by what other members may say. With these remarks, I will now put the motion to the House."

The motion was put and carried.

## VII

### AMENDMENT TO STANDING ORDERS.

The hon. the PRESIDENT :—"The next motion is an amendment to the Standing Orders proposed by Mr. Krishnan Nayar. Before the hon. Member tabled this motion, he was presumably not aware of the report of that Committee. There will probably be several amendments necessary. It is for his consideration whether he will put them all together or whether he will move this by itself."

The hon. Sir CHARLES TODHUNTER :—"May I rise to a point of order, Sir? The Standing Order says :

Unless the President otherwise directs, not less than ten days' notice of a motion for leave to amend the Standing Orders should be given . . . . .

Diwan Bahadur M. KRISHNAN NAYAR :—"I gave this notice several days ago."

The hon. the PRESIDENT :—"Sufficient notice has been given."

Diwan Bahadur M. KRISHNAN NAYAR :—"I was myself a member of the Committee which was appointed to report on the measures to be taken with reference to the congestion of non-official business. And in the report itself it has been suggested, though not expressly, by implication at all events, that the substance of this Standing Order should be given effect to. I may also be permitted to say that when the report was circulated I wrote to the Secretary to this Council that this identical amendment might go as part of the report of the Committee. But I was informed by the Secretary that it could go in only as a dissenting minute. Then I wrote to him that it was not likely that the members of the Committee would dissent from me, that all of them would unanimously agree with me and that it would not be proper in these